



Speech by

Annastacia Palaszczuk

MEMBER FOR INALA

Hansard Friday, 6 June 2008

MOTION: CHARGE OF CONTEMPT BY MEMBER FOR NICKLIN

Ms PALASZCZUK (Inala—ALP) (9.53 am): I rise in support of the motion. The motion before the House is a serious one dealing with a matter of contempt of the Queensland parliament by a member of the House. The report concerns an allegation that the member for Nicklin has adversely reflected upon the chair on numerous occasions both inside and outside the House. Just as there are clear rules that govern the actions of lawyers in the court where breaches of those rules may constitute a contempt, parliament also has clear rules that are known to members and members are aware that breaches can amount to a finding of contempt.

In Queensland, and in many other jurisdictions based on the Westminster system, it is a recognised principle of parliamentary privilege that the character or actions of the Speaker may not be criticised by any member except on a substantive motion. The principle is based on respect for the institution of parliament, the chair being the embodiment of the power, authority and integrity of the parliament. Reflections on the chair may undermine the authority of parliament by diminishing the respect due to the institution of parliament.

The committee considered the reflections themselves and not the issue of the broadcast of proceedings. Section 37 of the Parliament of Queensland Act provides that a contempt of the Assembly means a breach or disobedience of the powers, rights or immunities or a contempt of the Assembly, or its members or committees. In addition, the standing rules and orders of the Legislative Assembly, standing order 266(23), further clarifies contempt and specifically includes commenting or reflecting on the actions of the chair as part of the list of actions that constitute contempt.

The seriousness of the matter was understood by all members of the committee who endeavoured to afford natural justice to both parties. The committee initially called for written submissions and then held a private hearing to allow each member the opportunity to be heard. The significance of this issue led the committee to meet numerous times and out of session in an effort to thoroughly consider the matter. The committee found that the member for Nicklin's statements are at the higher end of the scale for reflecting on the character and actions of the chair. The committee finds that a number of factors in this case support the committee's unanimous recommendations for a more severe penalty.

The role of the office of the Speaker is the cornerstone of parliament, and respect for the Speaker's role is essential for the power, authority and integrity of parliament. The member for Nicklin's written and oral submissions indicate a lack of respect for the role of the office of the Speaker and have diminished the respect due to the institution of parliament. In his oral submissions, the member for Nicklin admits to making the comments attributed to him by journalist Matt Wordsworth. The member therefore acknowledged that 'he is aware that it is an offence for a politician to criticise the Speaker but that he doesn't care'.

In the private hearing the committee questioned the member for Nicklin at length to ensure that he was aware that his statements may amount to a reflection on the Speaker and may constitute a contempt of parliament. Despite this, the member for Nicklin continued to make statements. The committee is satisfied that the member for Nicklin intended to reflect on the character of the Speaker.

The member for Nicklin has been a member since June 1998 and has been present during several investigations and reports relating to reflections on the chair. There have been four reports in relatively recent times involving reflections on the chair and a circular was produced in 2005 regarding reflections on the chair. The member's presence during these reports and his direct reference to one of these reports in his oral submission indicates that he is aware that it is a contempt to reflect on the chair. By the member for Nicklin's own admission, he deliberately made these statements with the knowledge that they may amount to a contempt of parliament for reflecting on the Speaker. The member's statements were not spur of the moment but were repeated over a period of time both inside and outside the House, receiving wide media coverage.

The member for Nicklin had another clear option open to him which is contained in the standing orders of this parliament—that is, to censure the Speaker on a substantive motion in accordance with the basic principles of parliamentary privilege. The Members' Ethics and Parliamentary Privileges Committee unanimously finds a contempt against the member for Nicklin in relation to comments made by the member in the newspaper report and television recordings referred to the committee. The committee unanimously believes the member for Nicklin should unreservedly apologise to the House and to the Speaker, which I note that the member did this morning, and be suspended forthwith from the services and precincts of parliament for 21 days.